

Order

Michigan Supreme Court
Lansing, Michigan

March 9, 2005

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2004-55

Proposed Amendment of Rule 3.211
of the Michigan Court Rules
(Judgments and Orders)

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.211 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal, or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted on the Court's website at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated in underlining and deletions in overstriking]

Rule 3.211 Judgments and Orders

(A) [Unchanged.]

(B) [Unchanged.]

(C) A judgment or order awarding custody of a minor must provide that

- (1) the domicile or residence of the minor may not be moved from Michigan without the approval of the judge who awarded custody or the judge's successor, ~~and~~;
- (2) the person awarded custody must promptly notify the friend of the court in writing when the minor is moved to another address; and
- (3) a parent whose custody or parenting time of a child is governed by the order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act of 1970, MCL 722.21 et seq.

(D) A judgment or order awarding child support or spousal support must be entered on the latest version of the State Court Administrative Office's approved Uniform Support Order form.

(1)-(4) [Deleted.]

(E) [Deleted.]

~~(F)~~(E) [Relettered but otherwise unchanged.]

~~(G)~~(F) Entry of Judgment or Order.

(1) The party submitting the first judgment or order awarding child custody, parenting time, child support, or spousal support must provide the friend of the court office with a completed copy of the latest version of the State Court Administrative Office's Judgment Information form. The court will not sign the proposed judgment or order unless the Judgment Information form has been submitted with the judgment or order.

(2) Within 21 days after the court renders an opinion or the settlement agreement is placed on the record, the moving party must submit a judgment, order, or a motion to settle the judgment or order, unless the court has granted an extension.

(3) Before it enters a judgment or order awarding child support or spousal support, the court must verify that the Judgment Information form in subrule (F)(1) has been completed and submitted to the friend of the court.

~~(H)~~(G)[Relettered but otherwise unchanged.]

~~(H)~~(H) [Relettered but otherwise unchanged.]

Staff Comment: In subrule (D), the proposed amendments require that all support orders be entered on a standard form approved by the State Court Administrative Office. SCAO regularly updates the form by adding provisions required by new federal and Michigan statutes. Using the SCAO form order will reduce paperwork and allow the order format to change without further amending this court rule. The current version of this form is available on the Court's website at

<http://www.courts.michigan.gov/scao/courtforms/domesticrelations/support/foc10.pdf>. In relettered subrule (F), the proposed amendments allow personal information concerning a party to be provided to the friend of the court in a document separate from the court order. This will assure that the friend of the court has all the information that it needs, and that certain confidential information will be provided to the friend of the court without being included in the court order, which is a public document. A draft of the proposed Judgment Information form is available on the Court's website at

<http://www.courts.michigan.gov/scao/courtforms/domesticrelations/domesticrelationsjudgmentformdraft.pdf>. The

Court invites comments on both the Uniform Support Order form and the draft Judgment Information form.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by July 1, 2005, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-55. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 9, 2005

Corbin R. Davis
Deputy Clerk